

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

BETTE JEAN MCDONALD, :
 Plaintiff, :
 vs. 10-cv-06702 (DGL) (JWF)
 : :
JOHN E. GILBERT, III, :
 Defendant. :

**STIPULATION AND PROPOSED ORDER PROVIDING FOR THE DEPOSITION OF
CORILYNN MULLEN (FORMERLY "CORILYNN ROCK")**

Whereas Corilynn Mullen, *nee* Corilynn Lorenzo (formerly "Corilynn Rock") is currently incarcerated, has knowledge relevant to plaintiff Bette Jean McDonald's claims against Officer John Gilbert, and because the parties anticipate that Ms. Mullen will be incarcerated at the time of the trial of Ms. McDonald's claims,

IT IS HEREBY STIPULATED AND AGREED by and among the undersigned parties that they consent to the taking of the deposition of Corilynn Mullen, an incarcerated person, pursuant to Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure, on a date to be mutually agreed upon, but no later than June 29, 2012, at Bedford Hills Correctional Facility, Bedford Hills, New York, in support of Ms. McDonald's claims. The deposition will be recorded by stenographic and videographic means in accordance with Fed. R. Civ. P. 30(b)(3); parties will be accompanied in the correctional facility by the reporter, the videographer and any devices and electronic equipment necessary to record the deposition, including but not limited to a laptop computer and a video camera.

It is further stipulated and agreed that, because Ms. Mullen will be incarcerated at the time of the trial of Ms. McDonald's claims against Officer Gilbert, defendant Gilbert stipulates that the deposition is admissible under Fed. R. Civ. P. 32(a) and Fed. R. Evid. 804(b)(1). Defendant Gilbert reserves his rights to object to its admissibility under Fed. R. Evid. 415 or on other grounds.

Dated: New York, New York
June 8, 2012

By: Ver. Vela

THE LEGAL AID SOCIETY
PRISONERS' RIGHTS PROJECT

Veronica Vela
Dori A. Lewis
199 Water Street
New York, NY 10004
(212) 577-3530
vvela@legal-aid.org
dlewis@legal-aid.org

DEBEVOISE & PLIMPTON LLP

Svetlana M. Eisenberg
Kaitlin T. Farrell
919 Third Avenue
New York, NY 10022
(212) 909-6000
smeisenberg@debevoise.com
ktfarrell@debevoise.com

Counsel for plaintiffs

By: J.B. Licata

HOGAN & WILLIG, PLLC

John B. Licata
2410 North Forest Road
Suite 301
Amherst, New York 14068
(716) 636-7600
jlicata@hoganwillig.com

Counsel for defendant John Gilbert, III

SO ORDERED.

Dated: June , 2012
Rochester, New York

The Hon. Jonathan W. Feldman
United States Magistrate Judge